

Amend Section 22-000.13 to read:

22-000 STATE HEARING-GENERAL

22-000

.1 (Continued)

.11 (Continued)

.13 Although the specific duties and responsibilities of each agency are set forth in the following regulations, these rules shall not be used to suppress the claimant's right to a hearing. For example, although the county shall justify its action when appropriate, the county shall not discourage the claimant from proceeding with the hearing request nor relinquish its responsibility to assist the claimant in this process. The Administrative Law Judge shall conduct the hearing according to applicable procedures and the claimant shall be allowed to present evidence relevant to ~~his/her~~his or her own case.

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10051, 10553, 10554 and 10950, Welfare and Institutions Code and 45 CFR 205.10.

Amend Section 22-001 to read:

22-001 DEFINITIONS

22-001

The following definitions shall apply wherever the terms are used throughout Division 22.

- (a) (1) Adequate Notice - A written notice informing the claimant of the action the county intends to take, the reasons for the intended action, the specific regulations supporting such action, an explanation of the claimant's right to request a state hearing, and if appropriate, the circumstances under which aid will be continued if a hearing is requested, and for the California Work Opportunity and Responsibility to Kids (CalWORKs) Program, if the county action is upheld, that the aid ~~paid~~ pending must be repaid. In the ~~Food Stamp~~ CalFresh Program, see Section 63-504.2.
- (2) (Continued)
- (3) Aid – For purposes of this Division "aid" includes all public social services programs subject to a state hearing.
 - (A) Such public social services programs include, but are not limited to, CalWORKs, the State administered programs for recipients of SSI/SSP (Division 46), Refugee Resettlement Program (RRP), the Cuban/Haitian Entrant Program (CHEP), the ~~Food Stamp~~ CalFresh Program ~~(FS)~~, the California Medical Assistance Program (Medi-Cal), Stage One Child Care, California Assistance Program for Immigrants (CAPI), Personal Care Services Program (PCSP), Kinship Guardian Assistance Program (Kin-GAP), AFDC-Foster Care, California Food Assistance Program (CFAP), the Social Services Programs described in Divisions 30 and 31 of the Manual of Policies and Procedures (MPP), Aid for the Adoption of Children Program (AAC), Adoption Assistance Program (AAP), and Multipurpose Senior Services Program (MSSP). (Continued)
- (c) (1) (Continued)
- (5) County or CWD - For purposes of this division, "county" or "CWD" generally refers to the county welfare department. The term "county welfare department" is used in Sections 22-001(c)-(7), 22-003 and 22-073 to mean the welfare department in the county in which the recipient resides or the county that has taken the action or inaction with which the recipient is dissatisfied. Any references to "county" or "CWD" may also refer to any state department or contractor whose actions may be subject to a state hearing. For purposes of Sections 22-053.165, 22-073.13, 22-073.252, .253, and .254, "county" or "CWD" shall not include the California Department of Health Care Services. (Continued)

- (d) (1) (Continued)
- (3) Department - The California Department of Social Services (CDSS) or the California Department of Health Care Services (DHCS), whichever is appropriate.
- (4) Director - Refers to the Director of the California Department of Social Services (CDSS) or the Director of the California Department of Health Care Services (DHCS), whichever is appropriate.
- (l) (1) Language-Compliant Notice - A notice of action that meets the applicable requirement in (a) or (b) below:
- (a) For notices of action provided by ~~the California Department of Social Services (CDSS)~~ in the claimant's primary language:
- A written notice of action that complies with the requirements of Section 21-115.2 for a claimant who chose to receive written communications offered in ~~his/her~~ his or her primary language pursuant to Section 21-116.21. There shall be a rebuttable presumption that a claimant chose to receive written communications offered in the claimant's primary language if the claimant identified a primary language other than English to the county pursuant to Section 21-201.211.
- (p) (2) Proposed Decision - The decision prepared by the Administrative Law Judge concerning a state hearing case which ~~he/she~~ he or she recommends to the Director for adoption. (Continued)

Authority cited: Sections 10553, 10554 and 10604 Welfare and Institutions Code; and Senate Bill 84, Chapter 177, Statutes of 2007, Sections 32 and 33.

Reference: Sections 10051, 10613, 10950, 10963, 11209, 11323.6, 11323.8, 11466.23, 11466.235, and 11466.24, Welfare and Institutions Code; Sections 6700, 6701, 11425.10, and 11425.60, Government Code; 45CFR 255.4(j)(1) and Part 256.

Amend Section 22-003 to read:

22-003 RIGHT TO A STATE HEARING

22-003

.1 (Continued)

- .11 There is no right to a state hearing regarding a ~~Food Stamp~~CalFresh or CalWORKs administrative disqualification, unless the issue is the CWD's method of implementing a ~~Food Stamp~~CalFresh or CalWORKs administrative disqualification hearing decision. (See Division 22, Chapters 22-200 and 22-300, Division 20, Chapter 20-300, and Division 63, Section 63-805.) (Continued)

- .14 There is no right to a state hearing regarding child custody and child welfare service issues while that child is under the jurisdiction of the juvenile court. All issues regarding the child's custody shall be heard by the juvenile court, including but not limited to those issues left to the discretion of the CWD ~~welfare department~~ or probation department by the juvenile court.

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code; and Senate Bill 84, Chapter 177, Statutes of 2007, Sections 32 and 33.

Reference: Sections 10613, 10950, 11209, 11466.23, 11466.235, and 11466.24, Welfare and Institutions Code; 45 CFR 205.10; 45 CFR 235.112(c)(2); 45 CFR 255.4(j)(1) and 256.4(b); and Madrid v. McMahon (1986) 183 Cal. App. 3rd 151, In Re Jennifer G. (1990) 221 Cal App. 3rd 752 and In Re Moriah T. (1994) 23 Cal. App. 4th 1366.

Amend Section 22-004 to read:

22-004 REQUEST FOR A STATE HEARING

22-004

- .1 A request for a state hearing may be either written or oral.
- .2 A written request concerning county administered state aid programs shall be filed with the CWD, and for all other state aid programs, the request shall be filed with the California State Department of Social Services CDSS in Sacramento. (Continued)
- .3 An oral request shall be filed in person or by telephone at the ~~California Department of Social Services~~ CDSS in Sacramento. (Continued)
- .4 (Continued)
 - .41 The representative of a decedent's estate is the executor/executrix or administrative/administratrix of the estate. If the decedent's estate is not in probate, the representative may also be an heir (e.g., parents, spouse, children, sibilings, grandparents or grandchildren of the decedent).
- .5 (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, and 10965, Welfare and Institutions Code; and
 Section 44, Probate Code.

Amend Section 22-009 to read:

22-009 TIME LIMIT ON REQUEST FOR A STATE HEARING

22-009

.1 (Continued)

.11 (Continued)

.12 In the ~~Food Stamp~~ CalFresh Program, the time limits for state hearing requests are set forth in Sections 63-802.4 and 63-804.5.

.2 (Continued)

HANDBOOK BEGINS HERE

.21 Example #1: The county issues the claimant adequate and language-compliant notice on January 20, 2005 advising ~~him/her~~ him or her that the Medi-Cal share of cost is increased from \$100 to \$200 effective February 1, 2005. The claimant receives this notice but does not request a hearing until July 6, 2005. Although the claimant's hearing request is filed more than 90 days after the January 20, 2005 notice was issued, the claimant has the right to a state hearing to review the share of cost for the current month (i.e., July 2005) and the review will extend back 90 days to include all of April, May and June 2005. There can be no review of the February or March 2005 share of cost because the hearing request is untimely as to those months. The review will be based only on the relevant facts that occurred during April, May, June, and July, 2005, including the claimant's income and deductions for those months as relevant to the share of cost. The review will not include facts that occurred prior to the review period.

~~.22 Example #2: The county issues an adequate and language complaint notice of action on March 15, 2005. The notice advises the recipient of a first instance sanction in the CalWORKs program effective May 1 for failure to participate in welfare to work. A first instance sanction lasts until the recipient complies with welfare to work requirements or becomes exempt from participation. The recipient receives the notice of action but does not request a hearing until October 25, 2005. The recipient's hearing request is untimely under Section 22-009.1, but the recipient is entitled to a hearing on the current amount of aid under Section 22-009.2, limited to the facts that occurred during July, August, September and October, 2005. The ALJ will not review whether the sanction action was correct, nor the recipient's sanction from April through June. The recipient will be entitled to have the CalWORKs grant reviewed for July, August, September and October, as appropriate, and may be added back to the assistance unit (AU) effective in those months if facts establish that the recipient was exempt or welfare to work compliant during those months.~~

HANDBOOK ENDS HERE

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Senate Bill 84, Chapter 177, Statutes of 2007, Sections 32 and 33.

Reference: Sections 10950, 10951, 11466.23, 11466.235, and 11466.24, Welfare and Institutions Code and *Morales v. McMahon* (1990) 223 Cal App. 3rd 184, 272 Cal. Rptr. 688.

Amend Section 22-045 to read:

22-045 SETTING THE HEARING

22-045

- .1 The state hearing shall be held in California in the county in which the claimant is living at the time of the hearing, unless the parties agree to conduct the hearing at another location. (See Section 22-056 for out-of-state residents.)
 - .11 (Continued)
 - .12 The State Hearings Division may request verification from the claimant to support the reason why ~~he/she~~ he or she cannot attend the hearing at the hearing location, and shall deny a request for a different hearing location in the absence of such requested verification.
 - .13 (Continued)
 - .131 (Continued)
 - .132 The Administrative Law Judge may terminate the telephone hearing or video conference at the request of either party or on ~~his/her~~ this or her own motion and order an in-person hearing when ~~he/she~~ he or she determines that a party's right to due process is being prejudiced by the telephone hearing or video conference procedure.
- .2 (Continued)
 - .21 In the ~~Food Stamp~~ CalFresh Program, the State Hearings Division shall expedite the scheduling of hearings requested by households who expect to leave the State. See Section 22-073.243. (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code; 7 CFR 273.15(b); and 45 CFR 205.10(a)(2).

Amend Section 22-047 to read:

22-047 GROUP HEARINGS

22-047

.1 (Continued)

.3 In all group hearings, each individual claimant shall be permitted to present ~~his/her~~his or her own case, and shall be permitted to be represented by any person ~~he/she~~he or she may desire. (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code.

Amend Section 22-049 to read:

22-049 THE HEARING – GENERAL RULES AND PROCEDURES

22-049

.1 (Continued)

.11 Appearance by the claimant (~~in person~~personally or by the authorized representative) shall be required at the hearing, unless the hearing is a rehearing or further hearing.

.111 The claimant shall not be required to designate an authorized representative and may represent himself or herself at all stages of the hearing process. Also see Section 22-085 and Section 22-101.

.12 (Continued)

.13 Both the county and the claimant shall have the right to have a representative present throughout the hearing. Both the county representative and the claimant's authorized representative shall have the right to designate another person to be present and advise the representative throughout the hearing. This individual may be a witness who testifies on behalf of the county or claimant and in this circumstance, Section 22-049.12 would not apply. If this individual is a witness, ~~he/she~~he or she may not be present as an advisor until after ~~he/she~~he or she has testified.

.14 (Continued)

.2 (Continued)

.5 (Continued)

.51 If the rights of any party will be prejudiced by the consideration of a reasonably related issue raised at the hearing, the hearing shall be continued or the record held open subject to the provisions of Section 22-053.3 so that such party may prepare ~~his/her~~his or her case.

.52 If the claimant contends that ~~he/she~~he or she is not adequately prepared to discuss the issues because ~~he/she~~he or she did not receive the notice required by Section 21-115.2 or 22-071.1, this issue shall be resolved by the Administrative Law Judge at the hearing.

.521 (Continued)

.53 (Continued)

.532 If, prior to or at the hearing, both parties agree to discuss only the jurisdictional issue, or the Administrative Law Judge on ~~his/her~~his or her own motion determines that only the jurisdictional issue will be discussed, the parties need

not submit evidence on the substantive issues and the Administrative Law Judge shall take evidence only on the jurisdictional issue. The Administrative Law Judge shall: (Continued)

.6 (Continued)

.61 (Continued)

.611 (Continued)

.612 (Continued)

(a) (Continued)

(c) Assure objective interpretation by, at ~~his/her~~his or her discretion, disqualifying interpreters who are: (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 10955, 10958.1 and 10967, Welfare and Institutions Code; and Section 11435.65, Government Code.

Amend Section 22-051.3 to read:

22-051 The Examination of Records and Issuance of Subpoenas

22051

.1 (Continued)

.3 The CWD shall reproduce without charge, or at a charge related to the cost of reproduction, the specific policy materials, including regulations, necessary for an applicant or recipient, or ~~his/her~~his or her authorized representative, to determine whether a state hearing should be requested or to prepare for a state hearing.

.31 In the ~~Food Stamp~~CalFresh Program, such material shall be made available to the household or its authorized representative at no charge.

.4 Before the hearing has commenced, the Chief Administrative Law Judge or ~~his/her~~his or her designee shall be permitted to, upon the written or oral request of the claimant or the CWD, issue a:

.41 Subpoena requiring the presence of any witness whose expected testimony has been shown to be relevant, and not cumulative or unduly repetitious. (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code and Code of Civil Procedure Section 1987.

Amend Section 22-053 to read:

22-053 Postponements and Continuances for Additional Evidence

22-053

.1 (Continued)

.11 Claimant requests.

.111 If a hearing request includes an issue regarding the ~~Food Stamp~~CalFresh Program, a claimant's first request for a postponement made prior to hearing shall be granted. The hearing shall be postponed for no more than 30 days. A claimant in a ~~Food Stamp~~CalFresh case may request additional postponements under Section 22-053.112. (Continued)

.113 (Continued)

(a) (Continued)

(e) The claimant contends that ~~he/she~~he or she is not adequately prepared to discuss the issues because ~~he/she~~he or she did not receive an adequate and/or language-compliant notice, and the Administrative Law Judge determines that the required notice was not received. (See Section 22-049.52.) (Continued)

.13 Administrative Law Judge postponements.

.131 The Chief Administrative Law Judge or ~~his/her~~his or her designee shall have the authority to postpone a hearing prior to the hearing at his or her discretion.

.132 (Continued)

.133 The Administrative Law Judge shall have the authority to postpone a hearing, at the hearing, at ~~his/her~~his or her discretion. (Continued)

.3 When a hearing is postponed, continued, or reopened at the claimant's request, the 60-day or 90-day period provided in Section 22-060 shall be extended. Any such requests for postponement, continuance, or reopening of a hearing may not exceed 30 days each. Every time a claimant requests a postponement, continuance, or reopening, ~~he/she~~he or she must be given a written notice that explains that the time for rendering a decision will be extended for a period not to exceed 30 days.

.4 Aid Pending Hearing

.41 If a first ~~postponement~~ postponement of a case in the ~~Food Stamp~~CalFresh Program is granted at the claimant's request under Section 22-053.111, any aid pending shall continue until

at least the earlier of the next scheduled hearing or the end of the certification period.
See Section 63-804.64.

- .42 If a postponement is granted under Section 22-053.133, the Administrative Law Judge shall order that aid pending be continued only if the postponement was for good cause.
- .43 Except in the ~~Food Stamp~~ CalFresh Program as provided in Section 22-053.431, if a postponement is granted for good cause, aid pending shall be continued at least until the next scheduled hearing.
- .431 If a postponement is granted for good cause on a ~~Food Stamp~~ CalFresh issue after the initial postponement, aid pending shall continue until at least the earlier of the next scheduled hearing or the end of the certification period.

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 10952, 10952.5, and 10957, Welfare and Institutions Code and 7 CFR 273.15(c) and (k)(2)(i).

Amend Section 22-054.211 to read:

22-054 Dismissals

22-054

.1 (Continued)

.2 (Continued)

.21 Withdrawal

.211 The claimant may withdraw ~~his/her~~his or her hearing request any time before a decision of the Director is signed.

(a) (Continued)

(b) (Continued)

(1) (Continued)

(2) If the withdrawal is unconditional, the hearing request shall be immediately dismissed. (Continued)

(3) If the withdrawal is conditional:

(A) The withdrawal shall be accompanied by an agreement signed by the claimant and by the county.

(B) Any agreement under this provision shall provide that the actions of both parties will be completed within 30 days from the date the conditional withdrawal form is signed by both parties and received by the county. See Section 22-071-14.15 regarding adequate notice with conditional withdrawal. (Continued)

.22 Abandonment

.221 If the claimant fails to appear personally ~~by him/her self~~ or by authorized representative at the scheduled hearing, the request for hearing shall be considered abandoned and a written decision shall be issued dismissing the claim.

.222 (Continued)

(a) (Continued)

(b) If a new hearing is granted and a decision dismissing the claim is set aside, any applicable aid ~~paid~~-pending shall be reinstated as specified in Section 22-072.611.

.3 (Continued)

.31 (Continued)

.33 The Administrative Law Judge determines at the hearing that the claimant or authorized representative is unwilling to present ~~his/her~~his or her case. (Continued)

.4 The Chief Administrative Law Judge, or ~~his/her~~his or her designee, shall have authority to dismiss, without a hearing and written decision, a hearing request which is subject to dismissal under Sections 22-054.31, .32 or .37. (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code and 45 CFR 205.10(a)(5)(8).

Amend Section 22-055 to read:

22-055 Disqualification of an Administrative Law Judge

22-055

- .1 An Administrative Law Judge shall voluntarily disqualify himself or herself and withdraw from any proceeding in which ~~he/she~~ he or she cannot give a fair and impartial hearing or in which ~~he/she~~ he or she has an interest.
- .2 A party may request, at any time prior to the close of the record, that the Administrative Law Judge be disqualified upon the grounds that a fair and impartial hearing cannot be held or a decision cannot be rendered.
- .21 (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code.

Amend Section 22-059 to read:

22-059 Communication after Hearing

22-059

.1 (Continued)

.11 (Continued)

.12 An Administrative Law Judge shall have authority on ~~his/her~~his or her own motion or at the request of either party to reopen the record for receipt of additional information, if all parties are notified of the reason for the reopening and the submission of such evidence conforms to the requirements of Sections 22-053.21 and .3. (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code; and 11430.10(a), Government Code.

Amend Section 22-060.12 to read:

22-060 Disposition of State Hearings

22-060

.1 (Continued)

.11 (Continued)

.12 In the ~~Food Stamp~~CalFresh Program, all state hearings shall be decided or dismissed and the claimant and CWD notified of the decision within 60 days from the date of the request for a state hearing. The same exceptions apply as stated in .1 above.

.121 If the issues at a state hearing concern both public assistance and ~~Food Stamp~~CalFresh benefits, the hearing shall be conducted according to public assistance procedures and the 90-day rather than the 60-day period shall apply.
(Continued)

Amend Section 22-061 to read:

22-061 Submission of Proposed Decision/Adoption

22-061

- .1 (Continued)
- .2 If the Administrative Law Judge who heard the case is unavailable to prepare the proposed decision, the Chief Administrative Law Judge or ~~his/her~~his or her designee shall contact the claimant and the county and notify each party that the case is being assigned to another Administrative Law Judge for preparation of the decision on the record.
 - .21 The notice shall inform the claimant that ~~he/she~~he or she may elect to have a new oral hearing held in the matter, provided that ~~he/she~~he or she agrees to waive the 90-day or 60-day period set forth in Section 22-060.
 - .22 An Administrative Law Judge shall be considered unavailable within the meaning of this section if ~~he/she~~he or she: (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code and 45 CFR 205.10(a)(15)(ii).

Amend Section 22-063 to read:

22-063 Notice of Decision

22-063

.1 (Continued)

.11 (Continued)

.111 (Continued)

.113 A statement advising the claimant that, if the court decides the case in ~~his/her~~
his or her favor, ~~he/she~~ he or she shall be entitled to reasonable attorney's fees
and the cost of the suit. (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, and 10959, Welfare and Institutions Code.

Amend Section 22-065 to read:

22-065 Rehearing

22-065

.1 (Continued)

.11 (Continued)

.111 (Continued)

.112 For requests involving a decision issued by the California Department of Health Care Services (DHCS), the request shall be mailed to ~~the California Department of Social Services (CDSS)~~. (Continued)

.7 When a request for rehearing is denied, the Notice of Denial shall contain a statement concerning a right to judicial review and shall advise the claimant that, if the court decides the case in his/her favor, ~~he/she~~ he or she shall be entitled to reasonable attorney's fees and the cost of the suit.

.8 (Continued)

.9 After a rehearing request has been granted, it shall be permitted to be withdrawn by the requesting party subject to the approval of the Chief Administrative Law Judge, his/her or her designee or the Administrative Law Judge.

Authority cited: Sections 10553, 10554 and 10960, Welfare and Institutions Code.

Reference: Sections 10553, 10554, and 10960, Welfare and Institutions Code.

Amend Section 22-071 to read:

22-071 Adequate Notice

22-071

- .1 (Continued)
 - .11 (Continued)
 - .12 For CalWORKs and ~~Food Stamp~~ CalFresh cases, when aid is denied, decreased, not changed following a recipient mid-quarter report, cancelled, or discontinued. When aid is not changed due to a voluntary recipient mid-quarter report, the notice shall be sent as soon as administratively possible but no later than thirty days from the date the voluntary report is made. (Continued)
- .3 In all cases, the notice shall be prepared on approved Department forms or a county substitution which has been approved by ~~CDSS the California Department of Social Services~~, including but not limited to a county-developed computer equivalent. (Continued)

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 10613, 11209, 11265.1, 11265.2, and 11265.3, Welfare and Institutions Code; and 45 CFR 255.4(j)(1) and 256.4(b).

Amend Section 22-072.2(b) to read:

22-072 Timely Notice - Aid Pending Hearing

22-072

- .1 (Continued)
- .2 Timely notice shall not be required in the following instances, although the county shall send adequate notice no later than the effective date of the action:
 - (a) (Continued)
 - (b) The county receives a clear written statement signed by the person affected that:
 - (1) ~~He/she~~He or she no longer wishes aid, or
 - (2) Gives information which requires discontinuance or reduction of aid and the person has indicated, in writing, that ~~he/she~~he or she understands that this must be the consequence of supplying such information.
 - (c) (Continued)
 - (e) The whereabouts of the person affected are unknown and the county mail directed to ~~him/her~~him or her has been returned to the Post Office indicating no known forwarding address.
 - (1) The person's aid payment shall be made available to ~~him/her~~him or her if ~~his/her~~his or her whereabouts become known during the payment period covered by the returned check.
 - (f) A CalWORKs child is removed from the home as a result of a judicial determination, or voluntarily placed in foster care by ~~his/her~~his or her parent or legal guardian.
 - (g) (Continued)
 - (l) For CalWORKs and ~~Food Stamp~~CalFresh cases, the county determines there will be no change in a recipient's cash aid as a result of a recipient mid-period report.
(Continued)
- .5 Except as provided in Sections 22-054.1 and 22-072.76, when the claimant files a request for a state hearing prior to the effective date of the Notice of Action, which is subject to Section 22-072.1, aid shall be continued in the amount that the claimant would have been paid if the proposed action were not to be taken, provided the claimant does not voluntarily and knowingly waive aid. This section shall not apply to CalWORKs (Welfare to Work)

supportive services payments (see Section 42-750.213). In the CalFresh Program, benefits shall be continued on the basis authorized immediately prior to the notice of adverse action.

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.51 (Continued)

HANDBOOK ENDS HERE

.52 (Continued)

HANDBOOK BEGINS HERE

.521 (Continued)

HANDBOOK ENDS HERE

.522 (Continued)

(a) The criteria for good cause shall be as follows:

- (1) The claimant contends that ~~he/she~~ he or she did not receive adequate and/or language-compliant notice and the Administrative Law Judge determines that the required notice was not received. (Continued)

.6 Aid pending shall cease when the decision is adopted and released, or: (Continued)

.7 After the hearing, and within ten days from receipt of the aid ~~paid~~-pending decision, the claimant or the county may submit a written request to the State Hearings Division for reconsideration of the aid-~~paid~~-pending decision. (Continued)

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 10613, 11209, and 11265.1, Welfare and Institutions Code; 7 CFR 273.15(c)(4); 45 CFR 205.10; 45 CFR 255.2(h)(2); 45 CFR 256.2(c); and 45 CFR 256.4(d).

Amend Section 22-072.12 to read:

22-073 County Welfare Agency Responsibility Prior To The State Hearing 22-073

.1 (Continued)

.11 (Continued)

.12 (Continued)

.121 Unless the evidence indicates otherwise, the receipt date for purposes of providing (issuing) aid—~~paid~~—pending shall be determined as follows: (Continued)

.122 The CWD shall compute the five day time limitation for paying aid—~~paid~~ pending from the date: (Continued)

.123 Upon receipt of an oral hearing request, the Department shall, within one working day of that receipt, notify the county that an oral hearing request has been filed and provide the county with sufficient information to provide aid ~~paid~~—pending the hearing when appropriate.

.124 (Continued)

.125 For state aid programs not administered by the CWD, the Department shall issue aid ~~paid~~—pending the hearing, when entitlement exists, to a recipient within five working days of the date a written or oral request for a state hearing is received by the Department. (Continued)

.2 (Continued)

.21 (Continued)

.24 (Continued)

.241 (Continued)

.243 In the ~~Food Stamp~~CalFresh Program if a household requests a state hearing and informs the county that the household expects to leave the State prior to a normally scheduled hearing date, the county representative shall inform the State Hearings Division so that a hearing date may be scheduled and a decision rendered on an expedited basis. (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code.

Amend Section 22-077 to read:

22-077 Hearing Not Held In County Responsible For Aid

22-077

.1 (Continued)

.11 (Continued)

.13 (Continued)

.131 (Continued)

.133 The request shall be made in sufficient time to allow the county in which the claimant is living to arrange for representation or to notify the responsible county of its inability to provide such representation. The responsible CWD would then; necessarily follow one of the other two procedures. (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code.

Amend Section 22-078 to read:

22-078 Compliance With State Hearing Decisions

22-078

- .1 (Continued)
- .2 (Continued)
 - .21 (Continued)
 - .22 In the ~~Food Stamp~~ CalFresh Program, decisions which result in an increase in household benefits shall be implemented according to the provisions of Section 63-804.7. (Continued)
- .3 The claimant may contact the Department, orally or in writing, if ~~he/she~~ he or she is dissatisfied with the compliance.
- .4 (Continued)
- .5 The claimant shall be permitted to request a new state hearing concerning ~~his/her~~ this or her dissatisfaction with compliance related issues. See Section 22-001c.(3). (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 10605, and 10961, Welfare and Institutions Code.

Amend Section 22-085.1 to read:

22-085 Authorized Representative

22-085

- .1 The claimant may authorize a person or organization to represent ~~him/her~~him or her during all aspects of the hearing process by signing and dating a written statement to that effect or by stating at the hearing that the person is so authorized. If the claimant is not present at the hearing, the written statement authorizing a representative to act on behalf of the claimant for hearing purposes shall be signed and dated by the claimant on or after the date of the action or inaction with which the claimant is dissatisfied. (Continued)
- .2 If the claimant has not authorized the representative in writing and is not present at the hearing, the person may be recognized as the authorized representative as follows:
 - .21 If the person is an attorney as defined in Section 22-001(a)(5), and ~~he/she~~he or she states on the hearing record that the claimant is mentally competent and has authorized ~~him/her~~him or her to act as authorized representative regarding the issue(s) to be addressed at the hearing, the attorney shall be recognized as an authorized representative without being required to submit an authorized representative form.
 - .22 If the person is not an attorney, and ~~he/she~~he or she swears, affirms or states under penalty of perjury that the claimant is mentally competent and has authorized ~~him/her~~him or her to act as the claimant's authorized representative, and the Administrative Law Judge determines the person is so authorized, the non-attorney may represent the claimant at the hearing, subject to the following: (Continued)
 - .23 If, at the hearing, the person cannot swear or affirm under penalty of perjury that the claimant has authorized ~~him/her~~him or her to act as the claimant's authorized representative because the claimant is incompetent, in a comatose condition, suffering from amnesia or a similar condition, the hearing may proceed at the Administrative Law Judge's discretion if the person is a relative, or a person who has knowledge of the claimant's circumstances and who completed and signed the Statement of Facts on the claimant's behalf.
 - .24 If the attorney or non-attorney does not state on the hearing record that the claimant is mentally competent and has authorized ~~him/her~~him or her to act as authorized representative, the attorney or non-attorney shall not be recognized as authorized representative, the hearing shall not proceed and the hearing request shall be dismissed by written decision unless Section 22-085.23 applies. (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 10950, and 10955, Welfare and Institutions Code
and 45 CFR 205.10